

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14022, of the District of Columbia Redevelopment Land Agency, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.42 to use the subject property as a private school facility for Gonzaga College High School in an R-4 District at premises 49 I Street, N.W., (Square 622, Lot 72).

HEARING DATE: September 21, 1983
DECISION DATE: September 21, 1983 (Bench Decision)

FINDINGS OF FACT:

1. The subject premises is located on the north side of I Street between North Capital Street and 1st Street, N.W. The site is in an R-4 District and is known as premises 49 I Street, N.W.
2. The site is rectangular in shape. Its dimensions are 147.50 feet on the east and west sides, and 53.08 feet on the north and south sides. It has an area of 7,829.3 square feet.
3. The subject site is improved with a vacant five story apartment building. The subject building is T-shaped with its frontage occupying the entire width of the lot. Narrow side yards are located on both sides of the structure for three-quarters of the structure's length. A shallow rear yard faces on a public alley.
4. There is access to from the subject site from I Street on the south and from a public alley on the north. I Street forms a dead-end immediately east of the site with a circular terminus located directly in front of the subject structure. Access via I Street is thus available only from the west. The public alley ends in a T-shaped intersection immediately behind the subject structure and connects with another alley further north that provides access from the east and north via two branches.
5. The subject square is bounded by K Street on the north, I Street on the south, 1st Street on the west, and North Capitol Street on the east. Approximately two-thirds of the square is occupied by the campus of Gonzaga College High School which is located at the eastern end of the square. A cluster of row dwellings occupies the western end

of the square. These dwellings front primarily on 1st and K Streets. The Gonzaga campus fronts on I Street and occupies the entire North Capitol Street frontage of the square. The subject property is immediately west of the Gonzaga campus and adjacent to the existing main classroom building. A nursing home is immediately west of the subject structure across a public alley.

6. To the south of the subject square across I Street is located the Gonzaga athletic field which is to be expanded. The site for the District of Columbia's Special Education High School is located on the south side of I Street in the same block. The properties on both sides of the I Street cul-de-sac are primarily devoted to non-residential uses.

7. The neighborhood surrounding the subject square is a mixture of residential and institutional uses. The U.S. Government Printing Office is located two blocks south on North Capitol Street between H and G Streets. Immediately southeast of the G.P.O. is the location of the Main U.S. Post Office and Union Station, which is the city's major railroad terminal. Two blocks to the northeast is the office of the D.C. Department of Housing and Community Development and three blocks to the northwest is the Dunbar High School campus. Approximately five blocks to the southwest is Judiciary Square, a complex of D.C. Court Buildings.

8. The western side of North Capitol Street is a combination of R-5-C, R-5-B, C-2-A and C-2-B Districts each occupying one or two blocks. The eastern side of North Capitol Street is zoned C-M-3.

9. The subject property is owned by the D.C. Redevelopment Land Agency (RLA) which has been unable to sell it as a residential structure for ten years. Under the Northwest One Urban Renewal Plan, the structure was designated for rehabilitation as low and moderate income housing. The D.C. Department of Housing and Community Development has been unable to secure financial assistance to renovate the property because the property does not meet H.U.D. site selection criteria with respect to areas of over concentration of federally assisted housing.

10. In view of the unavailability of Federal funds for rehabilitation of the structure as a residence and in response to a request from Gonzaga to purchase the property, the D.C. City Council, on December 15, 1982, modified the Urban Renewal Plan to designate the property semi-public and allow its use by Gonzaga. Gonzaga has contracted with RLA to purchase the subject property and intends to convert the subject premises to educational and office use as a part of and accessory to the existing Gonzaga High School.

11. Gonzaga was founded in 1821 to serve the residents of the District of Columbia and is the oldest secondary school in the Federal City. Gonzaga was granted a college charter by the Congress of the United States in 1858, and has been at its present location on North Capitol Street between H and K Streets since 1871.

12. On February 3, 1983, the Redevelopment Land Agency granted Gonzaga an exclusive right agreement which designated the Gonzaga Board of Directors as the developers of the subject property. The agency has filed a petition with the BZA for a special exception to allow this facility to be used for institutional purposes by Gonzaga.

13. Gonzaga's buildings, some of which are over 100 years old, are inadequate for the education that is provided for the 700 students currently enrolled. This additional facility will provide much needed classrooms, administrative offices, laboratories, art studios, a computer center, a training room for athletes, conference rooms, and seminar rooms. These are things that are needed in modern education, which were not foreseen when Gonzaga was founded and the buildings erected.

14. Gonzaga College is also a sponsor of the Higher Achievement Program, an educational program which serves over 700 youngsters from the public schools in the immediate and surrounding neighborhoods of the District of Columbia. The executive offices and classrooms of the Higher Achievement Program will be housed in this renovated facility. The School's president submitted the documents describing the Higher Achievement Program, which was recently recognized by the President of the United States as one of four outstanding volunteer organizations in the country. It is at Gonzaga to serve the children of Northwest Number One Urban Renewal area.

15. The rehabilitation of 49 I Street for classroom facilities and administrative offices would not increase the capacity of Gonzaga but would provide for its current enrollment which is at the level that existed several years ago.

16. The proposed use of 49 I Street by Gonzaga provides more space for the current Gonzaga enrollment and also much needed administrative space for the school. There would be no increase in traffic and parking as a result of the rehabilitation and use of the building at 49 I Street by Gonzaga.

17. The special exception requested herein is one of the last public approvals needed to allow this rehabilitation to proceed. The final approval would be the sale by

the Redevelopment Land Agency which is expected to occur in the near future.

18. During the past year and a half, the applicant met with and consulted with individuals and neighborhood groups in the area. Letters have been submitted to the record from Mr. Edward Nesbitt of the Center City Community Corporation Neighborhood Division Center, and from Mr. Louis Raymond Perkins, Chairman of Advisory Neighborhood Commission 2C, expressing endorsement of this development.

19. No objections from any person in the area have been received into the record. Under the requirements of the Redevelopment Land Agency exclusive right agreement entered into by the District of Columbia and Gonzaga College, the applicant has formed a community advisory committee composed of twenty-three individuals who represent citizens groups, service organizations, churches and neighborhood groups in the area. The applicant has met with these persons and kept them informed regarding the project.

20. Enrollment is anticipated to remain the same, with a maximum enrollment of approximately 725. The number of faculty members will remain at fifty-four. Hours of operation will continue to be from 8:25 A.M. to 2:30 P.M. for classes. Football practice will continue to end at 5:00 P.M. and so will after-school activities. The Higher Achievement Program (H.A.P.) will continue to operate from 6:00 P.M. to 8:00 P.M. during the school year and during afternoon hours for the summer session. Enrollment in the H.A.P. will continue at 150 in the winter and 200 in the summer. The number of H.A.P. tutors will remain at twenty.

21. The applicant presently provides 106 parking spaces in an on-site parking lot for the use of faculty, staff, students and visitors. That number would be continued and is in excess of the seventy-six spaces required by the Zoning Regulations. Students presently arrive at the school by Metrobus and Metrorail, by walking or by carpool. No students are allowed to drive to Gonzaga and park with less than four students sharing the car. The number of cars is controlled by the school administration and only seniors and juniors are allowed to park on the premises. Parking permits are issued to the faculty and students.

22. The applicant testified that students in the H.A.P. are dropped off and picked up by their parents or else they walk from the immediate neighborhood. A school van provides transportation for those who reside too far from the school to come on their own. The H.A.P. students are a younger age group than Gonzaga's regular students. They are in the fourth through the eighth grades.

23. Gonzaga has a policy against renting the school's facilities. Its policy is to open its facility to any community group wishing to use the facilities. The Urban Coalition basketball team held its entire 1980 program in Gonzaga's gymnasium. The Metropolitan Police Boys Club also uses Gonzaga's gym. No complaints have resulted from such uses and community residents have expressed support for the school's program.

24. The proposed addition of the adjacent facility will generate no increase in non-school related activities. The spaces to be developed will be classrooms and offices for Gonzaga's own use.

25. The applicant's architectural consultant testified that the only external alteration will be the addition of a fire stairwell to conform to the D.C. Building Code. The stairwell will be located on the eastern side of the existing building and will occupy thirty square feet of what is now open space. The renovations to the structure will be primarily interior with the only external changes being replacement of rotted windows and doors, providing a new roof, pointing the building and painting the exterior. The interior will be renovated to create new space usage and to correct deteriorated conditions and water damage.

26. Gonzaga is financially prepared to implement the proposed renovations within the time frame required should the Board authorize the special exception. The regular school budget is funded by grants from foundations and gifts from alumni and parents. Gonzaga has an agreement with National Savings and Trust to take out a construction loan for the proposed renovations. The loan will be available as soon as Gonzaga finalizes its negotiations with the Redevelopment Land Agency.

27. The granting of a special exception to operate a private school facility in the R-4 District is governed by Paragraph 3101.42 of the D.C. Zoning Regulations. The Board has authority to grant special exceptions under Sub-section 8207.2 which reads as follows:

"Pursuant to authority contained in the Zoning Act of June 20, 1938 (52 Stat. 797), as amended, the Board is authorized to grant special exceptions as provided in the proceeding articles of these regulations where in the judgement of the Board such special exceptions will be in harmony with the general purpose and intent of the zoning regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said zoning regulations and maps, subject in each case to the special conditions specified in said Articles."

28. The Board finds that the applicant has complied with Paragraph 3101.42 as follows:

- A. The subject structure is so located that its use as a private school annex is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students or otherwise objectionable conditions. The location is at the end of a cul-de-sac with no adjacent residential uses. The number of students is fixed at 750 and students who drive must car-pool, thus reducing the number of cars arriving and departing. Decorum is strictly supervised by the staff, thus preventing objectionable noise.
- B. Ample parking space is provided on the Gonzaga parking lot which is adjacent to the terminus of the I Street cul-de-sac. The number of existing spaces exceeds the requirements of Article 72 by thirty percent. The lot is available to accommodate the students, teachers and visitors likely to come to the site by automobile.

29. The Office of Planning, by report dated September 14, 1983, recommended that the application be approved. The Office of Planning reported that the subject site is so located that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions. The Board concurs with the reasoning and recommendation of the Office of Planning.

30. The Center City Community Corporation by letter dated June 30, 1982, expressed support for the application.

31. Advisory Neighborhood Commission 2C by letter dated September 13, 1983, reported that Advisory Neighborhood Commission 2C has received no citizen objection to the application of the District of Columbia Redevelopment Land, for a special exception to use the subject property as a private school facility for Gonzaga College High School at premises 49 Eye Street, N.W. No issues and concerns of the ANC were expressed and no recommendation was made.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record the Board concludes that the applicant is seeking a special exception to operate a private school facility in an R-4 District. The granting of such a special exception requires a showing through substantial evidence that the applicant has complied with the requirement of Paragraph 3101.42 and Sub-section 8207.2 of the D.C. Zoning Regulations.

The Board concludes that the applicant has met its burden of proof. The subject structure is so located that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students or otherwise objectionable conditions. The applicant will provide ample parking space, in excess of that required by Article 72 of the regulations, to accommodate the students, teachers, and visitors likely to come to the site by automobile.

The Board further concludes that the requested relief if granted will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property. Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the CONDITION that the total number of students shall not exceed 750.

VOTE: 4-0 (Maybelle Taylor Bennett, Carrie L. Thornhill, William F. McIntosh, and Douglas J. Patton to grant; Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

DEC 23 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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